

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

VIENNA EQHO FARMS,

Plaintiff,

v.

BAYER CROPSCIENCE LP; *et al.*,

Defendants.

Case No. 21-cv-204-NJR

**MOTION FOR APPOINTMENT OF INTERIM LEAD CLASS COUNSEL
FOR JOHN W. “DON” BARRETT AND BARRETT LAW GROUP, P.A.**

Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, Plaintiff in the above-entitled action respectfully moves this Court for the entry of an order appointing Lead Class Counsel, as required by Federal Rule of Civil Procedure 23(g) which provides:

- (1) *Appointing Class Counsel.* Unless a statute provides otherwise, a court that certifies a class must appoint class counsel. In appointing class counsel, the court:
 - (A) must consider:
 - (i) the work counsel has done in identifying or investigating potential claims in the action;
 - (ii) counsel’s experience in handling class actions, other complex litigation, and the types of claims asserted in the action;
 - (iii) counsel’s knowledge of the applicable law; and
 - (iv) the resources that counsel will commit to representing the class;
 - (B) may consider any other matter pertinent to counsel’s ability to fairly and adequately represent the interests of the class;
 - (C) may order potential class counsel to provide information on any subject pertinent to the appointment and to propose terms for attorney’s fees and nontaxable costs;

(D) may include in the appointing order provisions about the award of attorney's fees or nontaxable costs under Rule 23(h); and

(E) may make further orders in connection with the appointment.

Mr. Barrett and Barrett Law Group, P.A. seek appointment as interim lead class counsel on behalf of the following classes:

- A. All persons or entities residing in the United States, including its territories, from at least as early as January 1, 2014 and continuing through the present (the "Class Period"), that purchased from a Defendant a Crop Input manufactured by a Manufacturer Defendant; and
- B. All persons or entities residing in the United States, including its territories, that, during the Class Period, purchased from a retailer other than a Retailer Defendant a Crop Input manufactured by a Manufacturer Defendant.

Plaintiff respectfully moves for appointment of John W. "Don" Barrett and Barrett Law Group, P.A. as Lead Class Counsel in accordance with Rule 23(g). The grounds in support of this motion are set forth in the attached Memorandum, which accompanies the filing of the present motion.

Dated: March 2, 2021

By: /s/ Don Barrett

John W. "Don" Barrett (admitted)

Katherine Barrett Riley (to apply *pro hac vice*)

David McMullan, Jr. (to apply *pro hac vice*)

Sterling Starns (admitted *pro hac vice*)

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Jonathan W. Cuneo (to apply *pro hac vice*)

Victoria Sims (to apply *pro hac vice*)

Blaine Finley (to apply *pro hac vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2021, I electronically filed the foregoing Motion for Lead Counsel Application for John W. “Don” Barrett with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Don Barrett
John W. (“Don”) Barrett